

REMARKS

Applicants filed a Response on November 12, 2008 to the Office Action dated May 12, 2008. However, Applicants respectfully submit the following with respect to the Examiner's remarks regarding the restriction requirement.

Specifically, the Examiner has made the restriction requirement final in the Office Action dated May 12, 2008, stating on page 2:

"The restriction was based on the claims filed on October 17, 2005, and not the currently amended claims. Therefore, the current amendments will not be considered for purposes of this discussion."

However, the Examiner has not cited any authority in support of her position in this regard. Applicants respectfully submit that the claim amendments (presented on February 4, 2008) constitute part of the reply to the restriction requirement filed on February 4, 2008 and had been entered. In that reply, Applicants explained why the amended claims satisfy the unity of invention requirement. In particular, all the amended claims of Groups I-VIII share a special technical feature of a large envelope polypeptide of an avian hepadnavirus fusion polypeptides useful in the assembly of recombinant VLP. Therefore, at least the VLP of Group I should be examined together with the elected Group II. In addition, the nucleic acids of Groups IV and VI, and the methods of making VLP of Group VIII, should also be examined together with the elected Group II.

Accordingly, Applicants respectfully request that the Examiner reconsider and provide an action on all claims pending in the application.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'XZ' followed by a stylized flourish.

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